

Independent Examination

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Overview

How to do an independent evaluation

- Contact the magistrate for the names of persons detained and at which hospitals (Prior notification of minor's hearing at time of TDO)
- Inquire if an interpreter is needed for the person, petitioner or witness, and arrange for interpreter to attend the hearing
- Plan to evaluate the person and allow time for gathering of collateral information, report writing and submission of report
- All evaluations are done in person at the hospital prior to the hearings

“The Ideal Course”

Before the Independent Evaluation Interview

- Review the prescreening
- Contact the petitioner, family, witnesses, therapist, prescreener
- Consult with hospital staff

Review hospital records

- ▶ Treating physician's evaluation
- ▶ Admission forms and nurses' notes
- ▶ Emergency room and EMS records
- ▶ Laboratory or toxicology reports

Contact the Petitioner, Family, Witness, Therapist, Prescreener

- Verify the information in the prescreening
- Clarify any vague or ambiguous statements
- Fill in any unanswered questions – e.g., medical and psychiatric history (including substance use), psychiatric symptoms, precipitants to current TDO, risk issues, ability to care for their basic human needs, what helps the person to improve, person's daily activities

Review of Records

Review the prescreening and the hospital chart

What are you looking for

- Information that supports or conflicts with the information in the prescreening
- Information relevant to commitment criteria, diagnostic criteria
- Capacity to give consent
- Possible treatment alternatives
- Toxicology and medical information

Consulting With the Psychiatrist and Hospital Staff

- Psychiatrist's report is not always available but sometimes he/she is available
- Nurses are a great resource – they have the opportunity to monitor the person over an extended period of time

- ▶ How is the person doing?
- ▶ Have they seen behavior or heard statements that inform risk to self or others, or information that the person will suffer serious harm due to lack of capacity to protect himself from harm or to provide for his basic human needs?
- ▶ Any medical concerns/Is the person eating, sleeping, taking medication?
- ▶ What are the person's strengths/What helps to engage the person/Is the person improving?

Independent Examiner's Evaluation

Conduct the evaluation in private, take time to build rapport and encourage the person's best interview

Comprehensive Evaluation to Include:

(i) Clinical Assessment that includes

A mental status examination; a determination of current use of psychotropic and other medications; a medical and psychiatric history; a substance use, abuse, or dependency determination; and a determination of the likelihood that, as result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs

Independent Examiner's Evaluation (continued)

- (ii) a substance abuse screening, when indicated
- (iii) a risk assessment that includes an evaluation of the likelihood that, as result of mental illness, the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any
- (iv) an assessment of the person's capacity to consent to treatment, including his ability to maintain and communicate choice, understand relevant information, and comprehend the situation and its consequences

Independent Examiner's Evaluation (continued)

(v) a review of the temporary detention facility's records for the person, including the treating physician's evaluation, any collateral information, reports of any laboratory or toxicology tests conducted, and all admission forms and nurses' notes

(vi) a discussion of treatment preferences expressed by the person or contained in a document provided by the person in support of recovery

(vii) an assessment of alternatives to involuntary inpatient treatment

(viii) recommendations for the placement, care and treatment of the person

Report and Hearing

- Prepare the report and present it to the court prior to the hearing
- Attend the hearing
 - ▶ Certify that the independent examiner has personally examined the person
 - ▶ Whether the independent examiner has probable cause to believe that the person has a mental illness, meets the prongs of the commitment criteria, and if the person requires involuntary inpatient treatment

Thank you